

06-13-01

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CERTIFICATE OF EXPRESS MAIL
EXPRESS MAIL NUMBER: <u>EL 839286120 US</u>
DATE OF DEPOSIT: <u>JUNE 11, 2001</u>



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: OSTS:003USD2

**Prior Application Examiner:
T. Schneiner**

BOX PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

Classification Designation:

Prior Group Art Unit: 1642

**REQUEST FOR FILING DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/283,675 filed April 1, 1999, which is a divisional of prior application Serial No. 08/915,868 file August 21, 1997, now issued as United States Patent No. 5,914,233 on June 22, 1999 entitled "SCREENING ASSAY FOR THE IDENTIFICATION OF AGENTS WHICH ALTER EXPRESSION OF PTH-RP" by Gregory R. Mundy and Wolfgang E. Gallwitz.

- ☒ 1. Enclosed is a copy of the prior application Serial No. 09/283,675 as originally filed, including specification, claims, drawings, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful

false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 09/283,675.

(b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c) ☐ Priority of foreign patent application number , filed in is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:

☐ is enclosed.

☐ has been filed in the prior Application Serial No.

☐ 2. The Commissioner is requested to grant Applicants a filing date in accordance with Rule 1.53, and supply Applicants with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).

☒ 3. Enclosed is a check in the amount of \$355.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION
LESS CLAIMS CANCELED BELOW

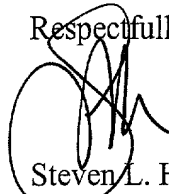
FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$355.00
Total Claims	5 - 20 =	X	\$18.00 =	\$.00
Independent Claims	1 - 3 =	X	\$80.00 =	\$.00
Multiple Dependent Claim(s) -----				\$-0-.00
TOTAL FILING FEES:				\$355.00
FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE

- ☒ 4. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☒ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 5. If the check is missing or insufficient, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Fulbright & Jaworski L.L.P. Account No.: 50-1212/OSTS:003USD2/SLH.
- ☐ 6. Enclosed is a copy of the current Power of Attorney in the prior application.
- ☒ 7. Address all future communications to:
- Steven L. Highlander, Esq.
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 536-3184
- ☒ 8. The prior application is presently assigned to Osteo Screen.

- ☐ 9. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 3 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.
- ☒ 10. Cancel in this application claims 1-24 of the prior application before calculating the filing fee. (At least one original independent claim must be retained).
- ☒ 11. Amend the specification by inserting before the first line the sentence: --This is a continuation of co-pending application Serial No. 09/283,675 filed April 1, 1999 which is a divisional of prior application Serial No. 08/915868 filed August 21, 1997, now issued as United States Patent No. 5,914,233 on June 22, 1999--.
- ☐ 12. Enclosed are formal drawings.
- ☐ 13. An Information Disclosure Statement (IDS) is enclosed.
- ☐ (a) PTO-1449.
- ☐ (b) Copies of IDS citations.
- ☒ 14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. 08/915,868 filed August 21, 1997, for use in this application. **Under 37 C.F.R. § 1.821(e), Applicants state that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. 08/915,868 filed August 21, 1997. Under 37 C.F.R. § 1.821(f), Applicants also state that the information recorded in computer readable form is identical to the written sequence listing.**
- ☐ 15. Other: _____.

- ☒ 16. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



Steven L. Highlander
Reg. No. 37,642
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
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(512) 536-3184

Date: June 11, 2001